
Public Safety Committee

HB 2499

Brief Description: Certifying corrections officers.

Sponsors: Representatives Appleton, Klippert and Goodman.

Brief Summary of Bill
<ul style="list-style-type: none">• Requires local corrections officers to obtain certification through the Criminal Justice Training Commission, and outlines procedures for the Criminal Justice Training Commission to grant, deny, or revoke corrections officers' certification.• Requires basic corrections training to be at least 10 weeks in length.

Hearing Date: 1/28/20

Staff: Omeara Harrington (786-7136).

Background:

Peace Officer Certification.

The Criminal Justice Training Commission (CJTC) provides training and educational programs to law enforcement, corrections officers, and other public safety professionals in Washington. This includes hosting the Basic Law Enforcement Academy as well as advanced training. The CJTC also certifies and, when necessary, decertifies officers.

All general authority peace officers, including local law enforcement officers and those employed by the state agencies, are required to obtain and maintain certification. In the certification process, an applicant must submit to a background investigation including a criminal history check, verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment, the results of which are used to determine the applicant's suitability for employment as a commissioned officer. There is a process for the CJTC to deny or revoke certification following a notice and hearing process if a person is or becomes unsuitable for law enforcement, and certification lapses when an officer has a break in service lasting more than 24 months.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Basic Corrections Officer Training.

Corrections officers are required to engage in basic corrections training that complies with standards adopted by the CJTC. The training must be successfully completed within the first six months of employment, unless otherwise extended or waived by the CJTC. The program is 160 hours, and includes course topics in areas such as: combating manipulation, legal issues, professionalism, emotional survival and peer support, transport, booking, communications, and searches.

Officers employed by the Department of Corrections (DOC) prisons division are exempt from the standard corrections officer training requirement, and must instead complete training in accordance with curricula and standards established by the DOC.

Summary of Bill:

Certification of Corrections Officers.

Corrections officers must obtain certification from the CJTC. For purposes of this requirement, corrections officers do not include individuals employed by state agencies. State juvenile services personnel who are required by agency policy and procedure to adhere to an evidence-based model for service delivery are exempt from the certification requirements upon request of their employing agency.

Certification Requirements.

As a condition of continuing employment, unless granted an exemption by the CJTC, all corrections officers must obtain and maintain corrections officer certification. As a prerequisite to certification, a corrections officer must authorize the release to the CJTC of his or her personnel files, termination papers, criminal investigation files, and any other documents or information directly related to certification. The CJTC may require corrections agencies that make a conditional offer of employment to an applicant as a corrections officer to administer a background investigation including a criminal history check, verification of citizenship or lawful permanent resident status, a psychological examination, and a polygraph or similar assessment, for use in determining the applicant's suitability for employment a corrections officer.

A corrections officer may retain his or her certification as long as the officer timely meets basic corrections officer training requirements and any other applicable requirements, is not denied certification, and has not had certification revoked.

The CJTC must grant certification to corrections officers who have satisfied, or obtained an exemption for, basic corrections officer training by January 1, 2021, subject to the general revocation grounds and processes.

Grounds for Denial or Revocation of Certification.

The CJTC may deny or revoke a corrections officer's certification after written notice and a hearing, if requested, based on a finding that the corrections officer:

- failed to timely meet requirements for obtaining a certificate of basic corrections training;
- knowingly falsified or omitted material information on a training or certification application;

- has been convicted at any time of a felony offense, unless the conviction occurred before the correction's officer's employment and the circumstances of the conviction were fully disclosed to the employer before hire, in which case the CJTC may revoke certification only with the agreement of the employing corrections agency;
- was issued certification by administrative error on the part of the CJTC;
- interfered with an investigation or action for denial or revocation of certificate by knowingly making a materially false statement to the CJTC or tampering with evidence or witnesses in any matter under investigation by or otherwise before the CJTC; or
- was discharged for disqualifying misconduct, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2021. Disqualifying misconduct includes: (1) commission of any crime that was committed under color of authority as a corrections officer, that involved dishonesty, or that involved the unlawful use or possession of a controlled substance; and (2) knowingly making materially false statements during disciplinary investigations, where such statements provided the sole basis for termination.

A corrections officer's certification lapses automatically when there is a break of more than 24 consecutive months in the officer's full time service. A break in service due to the pendency of direct review or appeal from a disciplinary discharge, or due to work-related injury, does not cause certification to lapse.

Process for Revocation of Certification.

A corrections officer or corrections agency may submit a written complaint to the CJTC charging that a corrections officer's certificate should be denied or revoked, and specifying the grounds for the charge. Additionally, upon termination of a corrections officer for any reason, including resignation, the employing agency must notify the CJTC within 15 days of the termination. The CJTC may request additional documentation from the agency if necessary to determine whether the termination provides grounds for revocation.

If, upon investigation, the CJTC determines that there is probable cause to believe that a corrections officer's certification should be denied or revoked, it must serve the officer and the officer's agency with a statement of charges. The corrections officer may request a hearing to contest the denial or revocation within 60 days. If a hearing is requested, the hearing must be scheduled 90 to 180 days after the statement of charges are communicated to the officer, unless extended by agreement of the parties.

The case must be presented to and decided by a five-member hearings panel appointed by the CJTC. The panel must include: two heads of either a local corrections agency or facility or of a Department of Corrections facility; two corrections officers who are at or below the level of first line supervisor, who have at least 10 years' experience as corrections officers; and one person who is not currently a corrections officer and who represents a community college or four-year college or university. Hearings are governed according the Administrative Procedures Act, and the standard of proof is clear, cogent, and convincing evidence. The final administrative decision is subject to judicial review.

A corrections officer whose certification is denied or revoked may not be certified as a peace officer, and a peace officer whose certification is denied or revoked may not be certified as a

corrections officer, without first satisfying the requirements of eligibility for certification or reinstatement of certification.

Reinstatement of Certification.

If a person is denied a certification based upon dismissal or withdrawal from a basic corrections academy for any reason not involving discharge for disqualifying misconduct, or if certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation, the person is eligible for readmission and certification upon meeting standards established by the CJTC. The CJTC rules may provide for a probationary period of certification.

A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time. A corrections officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition for reinstatement of the certificate or for eligibility for reinstatement. Additionally, a corrections officer whose certification is revoked based solely upon a criminal conviction may petition for reinstatement immediately upon a final judicial reversal of the conviction. In these circumstances, the CJTC must hold a hearing, and may allow reinstatement or probationary certification.

If a corrections officer's certification has automatically lapsed due to a break in service, the officer may petition the CJTC for reinstatement. The CJTC must determine whether there are any requirements that must be met prior to reinstatement, and may reinstate the certification.

Basic Corrections Officer Training.

The standards adopted by the CJTC for basic corrections officer training must provide for a course of training that is at least 10 weeks in length.

Appropriation: None.

Fiscal Note: Requested on January 21, 2020.

Effective Date: The bill takes effect on January 1, 2021.